



THE CITY OF NEW YORK  
**LAW DEPARTMENT**  
100 CHURCH STREET  
NEW YORK, N.Y. 10007

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December 13, 2023

**VIA ECF**

Honorable Katharine H. Parker  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: Torres v. the City of New York, 23 Civ. 1674 (JPC) (KHP)

Your Honor:

I am an Assistant Corporation Counsel in the office of the Honorable Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney for the City of New York, Mayor Adams, Commissioner Molina, Assistant Commissioner Thomas Griffin, Warden Antoinette Cort, Deputy Warden Morales, Lisa Barnaby, Jonelle Shivraj, Joanne Matos, Preston Ritter, Captain Mathis, CO McNeil, Capt. Rivera, CO Damel Pinkney, CO Vu, CO Richard Troche, and CO Anthony Marden. I write to respectfully compel plaintiff's filing of a legible version of his complaint in the above matter. I further request that defendants' time to file a responsive pleading be extended *sine die* until thirty days after plaintiff refiles his complaint.

By way of relevant background, plaintiff alleges various claims regarding his conditions of confinement in DOC custody during January 2023 of this year. (See ECF No. 1). On October 13, 2023, defendants informed the Court that page 17 of plaintiff's complaint was illegible as filed, and further requested that the Court direct plaintiff to file a readable copy. (See ECF No. 27). The Court subsequently "advised [plaintiff] that page 17 of the Complaint is difficult to read and he is directed to re-file the Complaint in an improved form by November 6, 2023." (ECF No. 28). Plaintiff did not do so within that timeframe.

At the November 9, 2023 initial case management conference held in this matter, the parties discussed the issue once more, and Your Honor reiterated the Court's previous directive to refile the complaint. To facilitate this, the Court instructed defendants to send plaintiff a printout of the complaint as currently filed, from which plaintiff could recreate a more legible version. Defendants did so contemporaneously with the medical releases that the Court ordered be sent no

later than November 22, 2023.<sup>1</sup> (See ECF No. 31). To date, however, plaintiff has not refiled a legible version of his complaint.

Defendants cannot respond to at least one entire cause of action in plaintiff's complaint absent the relief sought herein, and therefore request that the Court again order plaintiff to refile a legible complaint in this matter within a reasonable timeframe.<sup>2</sup> They additionally ask that the Court extend their deadline to respond to this forthcoming complaint *sine die* until thirty days after plaintiff files a legible version of his pleading.

Defendants thank the Court for its consideration.

Respectfully submitted,

/s/ Luca Difronzo

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New York, NY 10007  
(212) 256-2254

cc: **VIA POSTAL MAIL**  
**Ricky J. Torres**  
**NYSID: 12922994Q**  
**B&C: 1412001935**  
**George R. Vierno Center**  
**09-09 Hazen Street**  
**East Elmhurst, NY 11370**  
  
**Ricky J. Torres**  
**NYSID: 12922994Q**  
**B&C: 1412001935**  
**West Facility**  
**16-06 Hazen Street**  
**East Elmhurst, NY 11370**

Plaintiff is reminded that page 17 of his Complaint is very difficult to read. Because the page is not legible, Defendants cannot respond to the allegations asserted on that page, and the Court cannot adjudicate the claims asserted on that page. The deadline for Plaintiff to submit a legible version of that page is extended to **Friday, February 23, 2024**. If Plaintiff does not submit a legible version of that Page, the Court will disregard any allegations or claims asserted on that page. The deadline for Defendants to file a responsive pleading is extended to 30 days after Plaintiff submits a legible version of page 17. If Plaintiff does not file a legible version of that page by February 23, 2024, Defendant should respond to the Complaint by **Friday, March 8, 2024**, and should assume that page 17 is excluded from the Complaint.

Additionally, if Plaintiff's address has changed from the GRVC address listed on the docket, he shall immediately file a letter with the Court advising the Court of his new address.

Finally, Corporation counsel was directed to submit a status update regarding discovery by **Friday, December 8, 2023**, but no such letter was filed. The deadline for corporation counsel to submit the status update is extended to **Tuesday, December 19, 2023**.

**The Clerk of the Court is respectfully directed to mail copies of this Order to Plaintiff at both of the mailing addresses listed to the left of this text**

<sup>1</sup> This correspondence was sent to Plaintiff at the GRVC address, George R. Vierno Center, and his current address according to DOC re

<sup>2</sup> To aid in plaintiff's resubmission, defendants are providing plaintiff with a legible version of his complaint along with this letter.

**SO ORDERED:**

Katharine H. Parker  
**HON. KATHARINE H. PARKER**  
**UNITED STATES MAGISTRATE JUDGE**

12/14/2023